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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,512	04/13/2006	Olof Wallquist	HC122965APCT	3917

324 7590 09/18/2009

JoAnn Villamizar
Ciba Corporation/Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

EXAMINER

VENKAT, JYOTHSNA A

ART UNIT	PAPER NUMBER
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1619

NOTIFICATION DATE	DELIVERY MODE
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09/18/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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deborah.pinori@ciba.com
sonny.nkansa@basf.com

Office Action Summary	Application No. 10/575,512	Applicant(s) WALLQUIST, OLOF	
	Examiner JYOTHSNA A. VENKAT	Art Unit 1619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

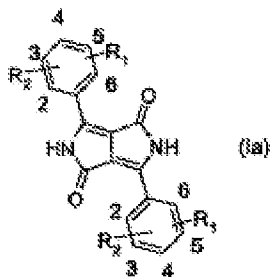
- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Election/Restrictions***

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:



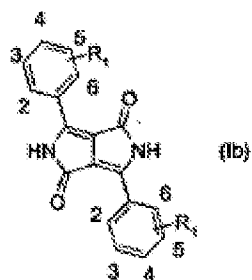
20

Table 1

Pigment	R ₁	R ₂
1	(3)-Cl	(4)-CH ₃
2	(3)-OCH ₃	(4)-OCH ₃
3	(3)-Cl	(4)-OC(CH ₃) ₂ CH ₂ CH ₃
4	(3)-CH ₃	(4)-CH ₃
5	(3)-Cl	(5)-Cl
6	(4)-Cl	(5)-Cl

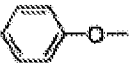


Pigment	R ₁	R ₂
7	(3)-OCH ₃	(5)-OCH ₃
8	(3)-CH ₃	(4)-Br

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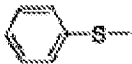
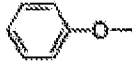


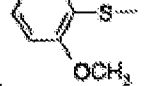
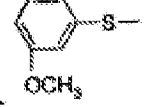
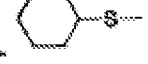



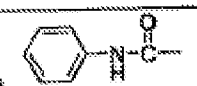
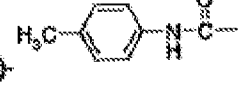


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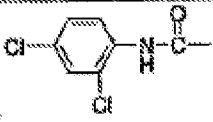
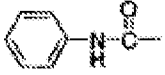

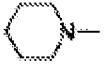
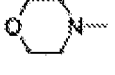

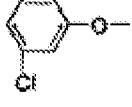
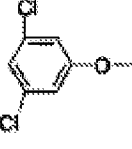
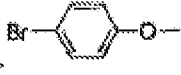

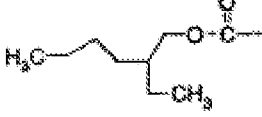
Table 2

Pigment	R ₁
9	(4)-OCOCH ₃
10	(4)-SO ₂ CH ₃
11	(4)-CONH ₂
12	(3)-CONH ₂
13	(4)-N(CH ₃) ₂
14	(4)-CN
15	(3)-CF ₃
16	(4)-CF ₃
17	(3)- 
18	(3)-CN
19	(3)- 
20	(4)- 
21	(4)-SCH ₃

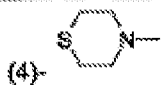
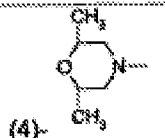
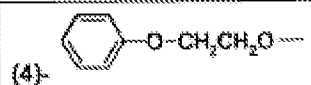
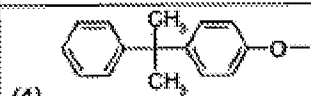
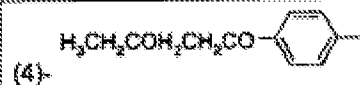
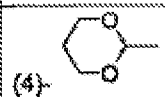
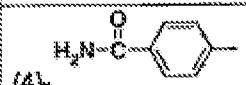
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Pigment	R ₁
22	(4)- 
23	(4)- 
24	(4)- 
25	(4)- 
26	(4)- 
27	(4)- 
28	(4)- 
29	(4)- 
30	(4)- 
31	(4)- 
32	(4)-SCH ₂ CH ₂ CH ₃
33	(3)- 
34	(4)- 

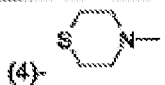
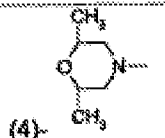
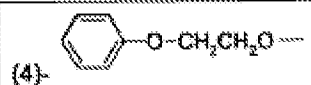
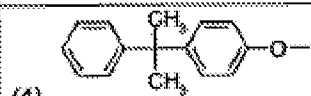
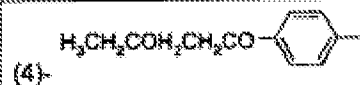
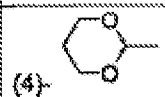
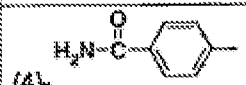
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Pigment	R ₁
35	 (4)-
36	(4)-S(CH ₂) ₁₁ CH ₃
37	 (4)-
38	 (4)-
39	 (4)-
40	 (4)-
41	 (4)-
42	 (4)-
43	 (4)-
44	 (4)-
45	 (4)-
46	 (4)-
47	(4)-COOH

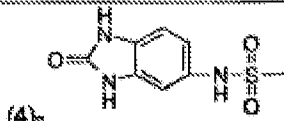
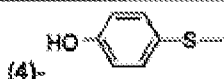
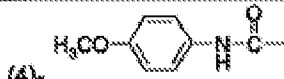
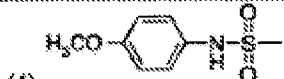
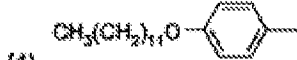
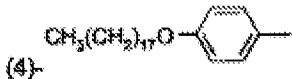

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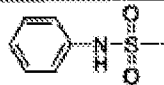
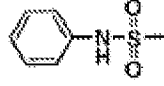

Pigment	R ₁
48	 (4)-
49	(4)-COOCH ₃
50	 (4)-
51	(4)-OH
52	(4)-COO(CH ₂) ₁₇ CH ₃
53	(3)-SO ₂ N(CH ₃) ₂
54	(3)-SO ₂ NH ₂
55	(4)-O(CH ₂) ₁₁ CH ₃
56	(4)-O(CH ₂) ₁₇ CH ₃
57	(4)-SO ₂ NH(CH ₂) ₃ CH ₃
58	 (4)-
59	 (4)-
60	(4)-C(CH ₃) ₃
61	(4)-(CH ₂) ₇ CH ₃
62	(4)-COOC(CH ₃) ₃
63	(4)-(CH ₂) ₃ CH ₃
64	(4)-OCF ₃
65	(4)-CON(CH ₂) ₁₇ CH ₃
66	 (4)-
67	 (4)-
68	 (4)-

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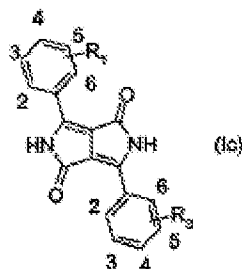
Pigment	R ₁
48	 (4)-
49	(4)-COOCH ₃
50	 (4)-
51	(4)-OH
52	(4)-COO(CH ₂) ₁₇ CH ₃
53	(3)-SO ₂ N(CH ₃) ₂
54	(3)-SO ₂ NH ₂
55	(4)-O(CH ₂) ₁₁ CH ₃
56	(4)-O(CH ₂) ₁₇ CH ₃
57	(4)-SO ₂ NH(CH ₂) ₃ CH ₃
58	 (4)-
59	 (4)-
60	(4)-C(CH ₃) ₃
61	(4)-(CH ₂) ₇ CH ₃
62	(4)-COOC(CH ₃) ₃
63	(4)-(CH ₂) ₃ CH ₃
64	(4)-OCF ₃
65	(4)-CON(CH ₂) ₁₇ CH ₃
66	 (4)-
67	 (4)-
68	 (4)-

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Pigment	R ₁
69	 (4)-
70	(4)-COOCH ₂ C(CH ₃) ₃
71	(3)-CON(CH ₂ CH ₂ CH ₂ CH ₃) ₂
72	(4)-CONHCH ₃
73	(4)-CON(CH ₂ CH ₂ CH ₂ CH ₃) ₂
74	(4)-CH=CHCOO(CH ₂) ₃ CH ₃
75	(4)-S(CH ₂) ₁₇ CH ₃
76	 (4)-
77	 (4)-
78	(4)-O(CH ₂) ₂ OCH ₂ CH ₃
79	(4)-O(CH ₂) ₂ O(CH ₂) ₂ OCH ₂ CH ₃
80	(4)-S(CH ₂) ₂ N(CH ₃) ₂
81	 (4)-
82	 (4)-
83	(4)-O(CH ₂) ₅ CH ₃
84	(4)-S(CH ₂) ₅ CH ₃
85	(4)-O(CH ₂) ₂ CH ₃
86	 (4)-
87	(3)-O(CH ₂) ₂ CH ₃
88	 (4)-

Pigment	R ₁
89	
90	
91	

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Table 3

Pigment	R ₁	R ₂
92	(3)-CN	(4)-CN
93	(4)-COOCH ₃	H
94	(3)-CF ₃	(4)-Cl

Applicant is required, in reply to this action, to elect a *single species* to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

None

The following claim(s) are generic: 1-17.

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The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: As set forth in Rule 13.1 of the Patent Cooperation Treaty (PCT), "the international application shall relate to one invention only or to a group of inventions." Moreover, as stated in Rule 13.2 PCT, Unity of Invention is satisfied "where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art so linked as to form a single general inventive concept." The instant composition Claim 1 does not present a contribution over the prior art. Claim 1 lacks novelty step. Claim 1 is anticipated by U. S. Patent 6,042,842 ('842). Structure at col.3 anticipates claim 1, wherein one of the substituents attached to benzene rings is hydrogen the other substituent is halogen. the As a result, as currently presented instant composition claim 1 does not share a special technical feature with all the species claimed.

Due to complexity of the action, examiner submitted Election Requirement in writing in lieu of calling applicants' attorney.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JYOTHSNA A. VENKAT whose telephone number is 571-272-0607. The examiner can normally be reached on Monday-Friday, 10:30-7:30:1st Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL WOODWARD can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JYOTHSNA A VENKAT /
Primary Examiner, Art Unit 1619